

carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 230 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 336 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 55 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 59 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

SEVENTY-FIRST DAY

(Wednesday, May 5, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Holbrook
Beck	Isbell
Brownlee	Lemens
Burns	Moore
Collie	Neal
Cotten	Nelson
Davis	Newton
Head	Oneal
Hill	Pace

Rawlings

Redditt

Roberts

Shivers

Small

Spears

Stone

Sulak

Van Zandt

Weinert

Westerfeld

Winfield

Woodruff

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

Reports of Standing Committees.

Reports on Senate Bills Nos. 508, and 507, and 300, and on House Bills Nos. 668, 1017, 483, 1136, 181, 547, 875, 489 and 1026, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Senate Bill No. 508 on First Reading.

Senator Aikin moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The following bill then was introduced, read first time, and referred to the Committee on Civil Jurisprudence.

By Senator Aikin:

S. B. No. 508, A bill to be entitled "An Act validating and approving

all proceedings had by cities and towns in the issuance and sale of revenue obligations under the provisions of Articles 1111 to 1118, Revised Civil Statutes of 1925, as amended, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal emergency administrator of public works, or any other governmental agency, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such cities or towns, and validating the pledge of revenues to the payment of said bonds, and declaring an emergency."

Senate Bill No. 509 on First Reading.

Senator Westerfeld moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which be explained.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The following bill then was introduced, read first time and referred to the Committee on Towns and City Corporations:

By Senator Westerfeld:

S. B. No. 509, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such territory; providing for the recording of such petitions, and declaring an emergency."

Senate Resolution No. 83.

Senator Brownlee offered the following resolution:

Whereas, There is a distinct and urgent need for additional and more adequate radio facilities for Austin, the Capital of Texas, and

Whereas, The State Capital Broadcasting Association, composed of a group of Texas citizens, has made application to the Federal Communications Commission, at Washington, D. C., for the establishment of a one thousand (1,000) watt station at Austin on a frequency of one thousand one hundred twenty (1,120) kilocycles, which application is still pending before the Commission, and

Whereas, Since the filing of the said application on the 3rd day of December, 1935, an application was made for a permit to erect a station at Baton Rouge, Louisiana, on one thousand one hundred twenty (1,120) kilocycles, a permit which was formerly granted to Mississippi City, Mississippi, which application was approved by the Commission, and which, if allowed to be installed at Baton Rouge without a directive antenna, will permit the Capital City of Louisiana to deprive the Capital City of Texas of the said one thousand one hundred twenty (1,120) kilocycle frequency which has heretofore been used and enjoyed by the Texas Agricultural and Mechanical College, located at College Station, Texas, which has been transferred to the State Capital Broadcasting Association, to be used in Austin subject to the approval of the Federal Communications Commission, and

Whereas, The proposed station will make available better and more adequate facilities at Austin, Texas, and will serve the public interest, convenience and necessity of the City of Austin and the State of Texas, and

Whereas, It is desired by the Senate of the State of Texas to have such additional radio facilities available in the State Capitol, through which the happenings of the Legislature and other Departments of the State Government may be more adequately communicated to the people of Texas, which adequate facilities are not now available; and

Whereas, The City of Austin is a growing and prosperous city of seventy-five thousand (75,000) inhabitants, and is served only by a local station of one hundred (100)

watts, which is wholly inadequate to serve the needs of Austin and its trade territory, and that such proposed additional facilities would serve the public interest, convenience and necessity of the City of Austin and its trade territory; and

Whereas, The State Capital Broadcasting Association has in its application provided for a directive antenna for the protection of a permit formerly granted Mississippi City, and that if the station moved from Mississippi City to Baton Rouge would likewise be required by the Commission to erect a directive antenna, both stations could be operated without interference one with the other and the City of Austin and the State of Texas would not thereby be deprived of its valuable rights in the use of this regional frequency of one thousand one hundred twenty (1,120) kilocycles; now, therefore, be it

Resolved, That the Senate of the State of Texas respectfully petition and suggest that the Federal Communications Commission give careful consideration to the application of the State Capital Broadcasting Association, to the end that the needs of the Capital City of the State of Texas and its trade territory shall be adequately served with radio facilities, and that the City of Austin and the State of Texas be not deprived of the frequency heretofore allocated to the Texas Agricultural and Mechanical College at College Station, for the benefit of a sister State Capital and the citizens thereof; and be it further

Resolved, By the Senate of Texas of the Forty-fifth Legislature that this Resolution be printed in the Senate Journal, and that copies thereof be forwarded to the Federal Communications Commission, the Chief Counsel thereof, and the President of the United States.

The resolution was read.

Pending reading of the resolution, Senator Weinert occupied the Chair temporarily.

(President in the Chair.)

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

Committee Substitute for House Bill No. 838 on Second Reading.

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

C. S. for H. B. No. 838, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1937, and ending August 31, 1939; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; repealing all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Spears offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 838 by striking out line 41, on page 5 of the printed bill, and by substituting in lieu thereof the following:

"2. Salary of clerk-secretary, \$2,400.00."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 838, page 2, line 8, by striking out in line 10 "\$3240" and inserting in lieu "\$4600", each year.

The amendment was adopted.

Senator Small offered the following amendment to the bill:

Amend C. S. for H. B. No. 838 by striking out all of line 20, on page 5, and inserting in lieu thereof the following:

"4. Salary of briefing clerk, bailiff, \$2,750.00, each year."

The amendment was adopted.

Senator Small offered the following amendment to the bill:

Amend C. S. for H. B. No. 838 by striking out all of line 30, on page 5 thereof, and inserting in lieu thereof, the following:

"7. Salary of porter, \$720.00, each year."

The amendment was adopted.

Senator Small offered the following amendment to the bill:

Amend C. S. for H. B. No. 838 by striking out all of line 21 through 28, both inclusive, on page 5, and inserting in lieu thereof the following:

"5. Salaries of briefing clerks and of law clerk-secretaries, who also

do legal research work for the Court of Criminal Appeals and the Commission in Aid of the Court; salaries of 2 briefing clerks \$2,750.00 each per year and of 3 law clerk-secretaries \$2,400.00 each per year, \$12,700, each year."

The amendment was adopted.

Senator Shivers offered the following amendment to the bill:

Amend C. S. for H. B. No. 838, page 3, line 53, by striking out figures "\$3,240.00" and substituting therefor figures "\$4,200.00, for each year."

The amendment was adopted.

Senator Holbrook offered the following amendment to the bill:

Amend C. S. for H. B. No. 838 page 2 by striking "\$660" each year in line 11 and inserting in lieu thereof "\$900."

The amendment was adopted.

C. S. for H. B. No. 838 then was passed to third reading.

Committee Substitute for House Bill No. 838 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for H. B. No. 838 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Neal
Beck	Nelson
Brownlee	Newton
Burns	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Sulak

Van Zandt
Weinert
Westerfeld

Winfield
Woodruff

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

Nays—2.

Aikin

Isbell

Free Conference Committee on House Bill No. 260.

Senator Van Zandt moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 260.

The motion prevailed.

Accordingly, the President announced the appointment of the following Conference Committee on the part of the Senate:

Senators Newton, Van Zandt, Holbrook, Moore and Westerfeld.

Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following bills:

H. B. No. 126, "An Act providing that county courts without the necessity of trial by jury may temporarily commit mentally-ill persons not charged with criminal offense to State mental hospitals, for not exceeding ninety days for observation and/or treatment; providing temporary commitment may also be made to United States Veterans Bureau and other United States Government operated hospitals in those cases where such agency of the United States will accept such men-

tally-ill persons; providing the adjudication of mental illness, the temporary commitment of persons so afflicted, and their discharge, furlough and release; providing for the payment of their transportation, support and treatment charges protecting property rights; providing that if any portion of the Act is declared unconstitutional and invalid it shall not affect the remaining parts, and declaring an emergency."

H. B. No. 410, "An Act providing that County Commissioners' Courts of this State in conjunction with municipal governments of incorporated cities of population exceeding 15,000 at the last preceding Federal Census, where said cities are county seats of counties may appoint case-workers and investigators to make investigations of needy persons to whom may be supplied necessities furnished by the Texas Relief Commission, and proper Federal agency, or by counties and cities, or any one of said agencies, commission cities and counties; provided said counties and municipalities may pay not to exceed Twelve Hundred (\$1,200.00) Dollars per annum salary to such case-worker and investigator; providing the duties and qualifications of said case-workers and investigators, and declaring an emergency."

H. B. No. 669, "An Act repealing Article 726a, Chapter 3 of the Penal Code, being page 52, Chapter 29, of the General and Special Laws of the Forty-third Legislature, Third Called Session, and declaring an emergency."

H. B. No. 999, "An Act validating the incorporation of certain cities and towns of more than six hundred (600) and less than two thousand (2,000) inhabitants which have heretofore incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 1010, "An Act establishing a county law library in counties in this State having three or more district courts sitting for all of its terms or some of its terms with both civil and criminal jurisdiction, none of which have more than four terms a year and one which sits and has jurisdiction in not less than two other counties; providing a fund to be administered by the commissioners'

court to be raised by collecting \$1.00 as costs in each case filed in any of said courts in said county except delinquent tax suits and including all civil and criminal county courts or district courts; providing, however, that the county shall in no event be liable for any cost in any civil or criminal case; providing for a custodian or librarian and his salary; providing for housing and management and declaring an emergency."

H. B. No. 1074, "An Act to change and prescribe the time for holding district court of the Ninth Judicial District of the State of Texas; and to conform all writs and processes of such court to such changes, and make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties in said district, as herein fixed, and to validate the summoning of grand and petit jurors, and juries; and providing for the continuation of court in session in said district when this Act takes effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1122, "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 35, Acts of the Fortieth Legislature, First Called Session, as amended by Chapter 15 Acts of the Forty-second Legislature, Second Called Session, by adding thereto a new section to be known as Article 1645a, providing for county auditors in counties containing a population of not less than nineteen thousand, one hundred and fifty (19,150) nor more than nineteen thousand, one hundred seventy-five (19,175), according to the last preceding Federal Census; providing for their compensation and the fund from which it shall be paid; and declaring an emergency."

Senate Joint Resolution No. 4 on Engrossment.

Senator Oneal called up from the President's table, on its passage to engrossment (the resolution having been read second time on March 1, 1937, and having been tabled subject to call on May 3, 1937):

S. J. R. No. 4, Proposing an amendment to Article 5 of the Constitution of the State of Texas, by adding a new Section to be known as Section 3-a, providing how interlocutory injunctions, sustaining or restraining enforcement, operation or execution of any statute of this State or of the United States, based upon the ground of the unconstitutionality of such statute, may be issued; and providing for appeal from order issuing or refusing to issue such interlocutory injunction; and providing that temporary restraining orders in such cases may be granted under the rules and regulations prescribed by the Supreme Court; and providing for appeal to the Supreme Court of the order granting or denying such interlocutory injunction; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor."

The President laid the resolution before the Senate on its passage to engrossment; with the following amendment by Senator Moore, and the following substitute by Senator Oneal for the amendment pending:

Amendment by Senator Moore.

Amend S. J. R. No. 4 by striking out Section 1 and inserting in lieu thereof the following:

"That Article 5 of the Constitution of Texas be amended by adding thereto a new section to be known as Section 3a and reading as follows:

"Sec. 3a. The Legislature shall have the power to provide by law, or to grant to the Supreme Court of Texas the power to provide, for an appeal by writ of error, or otherwise, direct to the Supreme Court of this State from the order of any trial court granting or denying an interlocutory or permanent injunction on the grounds of the constitutionality or unconstitutionality of any statute of this State or of these United States."

Substitute by Senator Oneal.

Amend Sections 1 and 2 of the resolution to read as follows:

Section 1. That Article 5 of the Constitution of the State of Texas be amended by adding thereto three new sections, to be known as Section 3-a, Section 3-b, and Section 3-c, as follows:

Sec. 3-a. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of this State by restraining the action of any officer of this State in the enforcement or execution of such statute shall be issued or granted by any trial court of the State of Texas, or any Judge thereof, upon the ground of the unconstitutionality of such statute, unless the petition for same shall have been on file at least five days before it is acted on, and unless the opposite party, or parties, and the Attorney General of this State shall have had at least three days' notice thereof, not counting the day of hearing, of the filing of such petition.

Sec. 3-b. All appeals from interlocutory injunctions suspending or restraining the enforcement, operation, or execution of any statute of this State pertaining to the revenue laws of this State, or to the enforcement of any criminal law thereof, shall be direct to the Supreme Court, under such rules and regulations as may be prescribed by the Supreme Court. The Legislature shall have the power to provide by law, or to grant to the Supreme Court the power to provide by rules, for an appeal by writ of error, or otherwise, direct to the Supreme Court of this State from any other order of any trial court granting interlocutory injunction or permanent injunction on the ground of the unconstitutionality of any statute of this State.

Sec. 3-c. The Supreme Court of this State at its discretion, if it deems the matter of sufficient importance may exercise original power and jurisdiction in a direct proceeding filed in such Court by the Attorney General of Texas, by and with the consent of the Court, to prohibit and enjoin the Judges of any and all district courts in this State from issuing or enforcing interlocutory injunctions or restraining orders, enjoining or restraining the enforcement of any revenue or criminal law of this State on the ground that such law is unconstitutional or invalid. This section shall only apply in instances where there is no issue of fact involved, and the matter can be decided on the validity of the statute alone.

Sec. 2. The foregoing constitutional amendments shall be submitted to the qualified electors of the State of Texas on the 23rd day of August, 1937.

Senator Moore, by unanimous consent, withdrew the pending amendment.

The substitute amendment of Senator Oneal was adopted.

Senator Moore offered the following amendment to the resolution as amended:

Amend Oneal substitute for S. J. R. No. 4 by striking out Sec. 3-a and 3-b and substituting therefor the following:

"Sec. 3a. The Legislature shall have the power to provide by law, or to grant to the Supreme Court of Texas the power to provide, for an appeal by writ of error, or otherwise, direct to the Supreme Court of this State from the order of any trial court granting or denying an interlocutory or permanent injunction on the grounds of the constitutionality or unconstitutionality of any statute of this State, or on the validity or invalidity of any administrative order issued by any state agency under any statute of this State."

MOORE,
RAWLINGS.

The amendment was adopted.

Senator Rawlings offered the following amendment to the resolution as amended:

Amend S. J. R. No. 4 by striking out Section 3-c.

Senator Oneal offered the following substitute for the amendment:

Amend S. J. R. No. 4 as amended by adding at the end of Section 1 the following:

"and to provide further that Legislature shall have the power to provide that the Supreme Court may, if it deems the matter of sufficient importance, exercise original power and jurisdiction in a direct proceeding filed in such Court by the Attorney General of Texas, by and with the consent of the Court, to prohibit and enjoin the Judges of any and all district courts in this State from issuing or enforcing interlocutory injunctions or restraining orders, enjoining or restraining the enforcement of any revenue or criminal law of this State on the ground that such law is unconstitutional or invalid. This section shall only apply in instances where there is no issue of fact involved, and the matter can be decided on the validity of the statute alone."

The substitute was adopted.

The amendment as substituted was adopted.

Senator Oneal offered the following amendment to the resolution:

Amend the caption to conform to the body of the resolution.

The amendment was adopted.

The resolution as amended was passed to engrossment.

Senate Joint Resolution No. 4 on Third Reading.

Senator Oneal moved that the rule requiring joint resolutions to be read on three several days be suspended and that S. J. R. No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—1.

Burns

The President then laid the resolution before the Senate, on its third reading and final passage.

The resolution was read third time.

On motion of Senator Oneal, the resolution was tabled subject to call.

Messages From the House.

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,
Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 260 and requests the Senate for the appointment of a conference committee to adjust the differences between the

two Houses. The following are appointed as conferees on the part of the House:

Messrs. Cagle, Tennant, Hankamer, Tennyson and Stinson.

The House has concurred in Senate amendments to H. B. No. 1076 by a vote of 121 yeas, 0 nays.

The House has passed the following bills and resolutions:

H. B. No. 63, A bill to be entitled "An Act amending Section 6, Article III, H. B. No. 8, of the Third Called Session of the Forty-fourth Legislature; defining certain words, terms and phrases; imposing a tax on the amount paid for admission to any place with the exceptions and fixing the amount of the tax; providing that persons subject to said tax shall file reports with and remit the tax to the Comptroller and describing information to be contained in said reports; authorizing the Comptroller to collect tax from persons required to make daily reports at the time such admission fees are received by said persons; requiring every operator of a place of continuous performance to keep certain records open to the inspection of the Comptroller and the Attorney General for a period of one (1) year; exempting certain institutions, societies and organizations from the tax levied herein; prescribing the manner of printing admission tickets; providing that the tax levied shall be a joint liability of the owner and operator of any place where an admission fee is charged and prescribing civil penalties for failure of such persons to pay said tax; providing that the State shall have a prior lien for delinquent taxes and penalties due by any such owner and/or operator which shall be recovered by suit filed by the Attorney General and providing said persons may be enjoined from operation until the tax has been paid, making it a misdemeanor and prescribing penalties for certain violations of the Act and enumerating such violations; making it the duty of the Comptroller to supervise and enforce the collection of the tax and requiring persons subject to said tax to supply him with records and information necessary to compute such tax; vesting the Comptroller with power to promulgate rules and regulations

and appropriating funds for the enforcement of the Act; allocating the revenue derived from the Act; preserving taxes, penalties and interest accruing from any amended provisions set out in the Act before the effective date thereof; providing that if any portion of this Act is held invalid or unconstitutional such decision shall not affect the remaining portions of the Act; repealing all laws in conflict herewith, and declaring an emergency."

(With engrossed riders.)

H. B. No. 228, A bill to be entitled "An Act authorizing a county local option election to decide whether or not such county shall have compulsory vaccination of dogs against rabies; providing that if such county votes in favor of compulsory vaccination that the owners of all dogs in such county shall have the same vaccinated by a licensed veterinarian who shall issue a tag which shall be worn on the collar about the neck of such animal; providing that under certain conditions all dogs not vaccinated and running at large may be destroyed, and declaring an emergency."

H. B. No. 420, A bill to be entitled "An Act providing Workmen's Compensation for State employees; defining certain terms; placing administration of the Act in the Industrial Accident Board and prescribing the duties and defining the powers of the Board; providing for the filing of claims; providing for payment to the beneficiary in case of death; providing the rate of compensation to be paid injured employees; providing the Board may require examination of applicants for compensation; providing for time of filing notice of injury and of claim for compensation; providing for appeals from the rules of the Board to certain courts; providing that if any person other than the State is legally liable for an injury to an employee of the State, such employee may proceed against either the State or such person and in event that the employee proceeds against the State, the State shall be subrogated to the rights of such employee; providing for the appointment of an Assistant Attorney General to act as counsel to the Board, providing for his compensation; pro-

viding that heads of departments shall keep a record and make reports to the Board of injuries sustained by its employees; declaring failure to make such reports malfeasance in office; creating a special fund in the State Treasury to be known as 'The Texas Insurance Fund' making an appropriation therefrom transferring certain moneys from the State Highway Fund to the Texas Insurance Fund; directing the Legislature to make the necessary appropriations for carrying out the provisions of this Act; requiring the Board to make certain reports biennially to the Speaker of the House, the President of the Senate and the Governor; providing for certain reports to the Board from the Heads of Departments of Government; declaring the provisions of this Act to be severable, and declaring an emergency."

H. B. No. 557, A bill to be entitled "An Act providing for the licensing of all persons before engaging in the business of handling perishable agricultural commodities as defined in this Act, whether as a commission merchant, dealer, broker or as agent of any commission merchant, dealer, or broker; defining certain terms as used herein; providing manner of settlement by licensees with producer, seller or owner; providing that all contracts between dealers and owners, sellers or producers, shall be in writing and providing time and manner of settlement, making it unlawful for any person to engage in business as a commission merchant, dealer, broker or as an agent of any commission merchant, dealer or broker without first complying with the terms and provisions of this Act; etc., and declaring an emergency."

(With engrossed rider.)

H. B. No. 875, A bill to be entitled "An Act providing relief for the Leesville Common School District No. 27 and the Dewitt Common School District No. 47 in Gonzales County in replacing and repairing damage to buildings and equipment caused by a calamitous flood resulting from a cloud-burst on July 1st, 1936; making an appropriation for said Districts to replace and repair such damage, and declaring an emergency."

H. B. No. 906, A bill to be entitled "An Act providing the method whereby any interested party affected by any rule or order made or promulgated by the Highway Commission or any contract made by the Commission, shall have the right to institute suit in Travis County, Texas, against the Commission and seek relief such as may be necessary providing the procedure in respect thereto and granting of injunctions under certain conditions and providing for and prescribing the manner and method of executing injunction bonds and the procedure in reference thereto; providing for the conditions of such bond and the right of persons to sue thereon, granting to either party the right of appeal from the judgment rendered therein, and providing for the advancement of said cause in the Appellate Courts, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 976, A bill to be entitled "An Act validating all conveyances made by Goliad County Commissioners' Court or under their authority of county or public school land and making such conveyance valid whether made at public auction or private sale, and declaring an emergency."

H. B. No. 1100, A bill to be entitled "An Act creating a special road law for Scurry County, Texas, providing that said county fund or refund indebtedness outstanding against its road and bridge fund as of March 31, 1937, including bonds, interest-bearing time warrants and scrip warrants by the issuance of funding or refunding bonds or warrants, either or both, setting forth the method of issuing same; etc., and declaring an emergency."

H. B. No. 1105, A bill to be entitled "An Act amending Chapter 66, Forty-second Legislature, Regular Session, Section 1, exempting Jack County from the provisions of the Act; providing for the regulation and protection of catching and taking of fish in Jack County, prohibiting the sale or purchase of any fish caught in any waters in Jack County; providing for a penalty, and declaring an emergency."

H. B. No. 1109, A bill to be entitled "An Act to amend Article 1645, Title

34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, etc., and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby."

H. B. No. 1119, A bill to be entitled "An Act to validate the organization and creation of all county line independent school districts heretofore formed under certain conditions by the consolidation of an existing county line independent district with a contiguous common school district; validating all acts of the Board of Trustees of such existing county line independent school districts in ordering and declaring the results of an election or elections held in such county line independent school districts on the question of such consolidation; etc., and declaring an emergency."

H. B. No. 1124, A bill to be entitled "An Act repealing House Bill No. 185, Acts of the Forty-third Legislature, relating to the hunting, taking, or killing of squirrels in the counties of San Augustine and Sabine of Texas."

(With engrossed riders.)

H. B. No. 1127, A bill to be entitled "An Act providing for the designation of the territorial limits of unincorporated cities, towns and villages through which State Highways and public roads pass, and providing for the designation of school zones on State Highways, public roads and streets and alleys, and providing for the erection and maintenance of signs, markers, signals or lights designating the limits of such unincorporated cities, towns or villages; etc., and declaring an emergency."

H. B. No. 1128, A bill to be entitled "An Act amending Article 2922 A, Revised Civil Statutes as amended by Acts, 1925, Thirty-ninth Legislature, page 204, Chapter 59, as amended by Acts, 1927, Fortieth Legislature First Called Session, page 206, Chapter 78, by adding another section to be entitled Section 2922

AA, providing for the consolidation of Rural High School Districts and Common School Districts upon an election being held in the respective districts; and providing for an election adjusting the bonded indebtedness, and declaring an emergency."

H. B. No. 1129, A bill to be entitled "An Act granting to Willie Wise permission to bring suit against the State of Texas and/or the Texas Relief Commission; etc., and declaring an emergency."

H. B. No. 1136, A bill to be entitled "An Act providing that Limestone County, Texas, may fund or refund the indebtedness outstanding against its Permanent Improvement Fund as of May 1st, 1937; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; etc., and declaring an emergency."

(With engrossed riders.)

H. B. No. 1160, A bill to be entitled "An Act amending Title 28, Chapter 20, Revised Civil Statutes of 1925, by adding a new article thereto to be known as Article 1265-a; providing that any city having a population of more than 150,000 and less than 200,000 as shown by the preceding Federal Census, shall have power and authority to amend its charter so as to extend its boundary limits, where the territory so annexed does not include any incorporated city, town or village having more than 5,000 inhabitants according to the preceding Federal Census; providing the manner such extension shall be effected; providing this Act shall be cumulative of charter provisions, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Joint Resolution No. 26 on Second Reading

The President laid before the Senate, on its second reading and passage to third reading:

H. J. R. No. 26, Proposing an amendment to Article III of the Constitution of the State of Texas by adopting a new section to be known as Section 51-c which shall provide that the Legislature shall have the power to provide, under such limitations and restrictions as may be deemed by the Legislature

expedient for assistance to the blind and for aid to dependent children and for the payment of same not to exceed fifteen dollars per month each to actual bona fide citizens of Texas, and providing that the requirements for the length of time of actual residence in Texas shall never be less than five years during the nine years immediately preceding the application for such assistance to the blind and continuously for one year immediately preceding such application and providing that the Legislature may impose such requirement as may be found expedient in cases of aid to dependent children; and providing that the Legislature shall have the authority to accept from the Government of the United States financial aid for assistance to the blind and aid to dependent children; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof and prescribing the form of ballot.

The resolution was read second time.

Senator Van Zandt offered the following amendment to the resolution:

Amend H. J. R. No. 26 by striking out the word "Saturday" and substituting in lieu thereof the word "Monday."

The amendment was adopted.

Senator Van Zandt offered the following amendment to the resolution:

Amend H. J. R. No. 26 by adding after the words "needy blind" wherever they appear the words "over the age of twenty-one (21) years."

The amendment was adopted.

Senator Van Zandt offered the following amendment to the resolution:

Amend H. J. R. No. 26 by striking out the following words wherever they appear in Section 2 thereof: "not to exceed Fifteen Dollars (\$15.00) per month per person in case of needy blind, and not to exceed Twelve Dollars (\$12.00) per month per person in case of dependent children, or if there is more than one dependent child in the same home, not to exceed Twelve Dollars (\$12.00) per month for one such dependent child and Eight Dollars

(\$8.00) per month for each of the other dependent children."

The amendment was adopted.

The resolution, as amended, was passed to third reading.

House Joint Resolution No. 26 on Third Reading.

Senator Van Zandt moved that the rule requiring joint resolutions to be read on three several days be suspended and that H. J. R. No. 26 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—28.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield

Nays—2.

Holbrook Weinert

Absent.

Woodruff

House Bills on First Reading.

The following bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 1136, to Committee on State Affairs.

H. B. No. 1124, to Committee on Game and Fish.

H. B. No. 1127, to Committee on State Highways and Motor Traffic.

H. B. No. 1128, to Committee on Educational Affairs.

H. B. No. 1129, to Committee on State Affairs.

H. B. No. 63, to Committee on State Affairs.

H. B. No. 228, to Committee on Stock and Stock Raising.

H. B. No. 420, to Committee on Insurance.

H. B. No. 557, to Committee on Agricultural Affairs.

H. B. No. 875, to Committee on Finance.

H. B. No. 906, to Committee on Civil Jurisprudence.

H. B. No. 976, to Committee on Counties and County Boundaries.

H. B. No. 1105, to Committee on Game and Fish.

H. B. No. 1109, to Committee on Counties and County Boundaries.

H. B. No. 1100, to Committee on State Highways and Motor Traffic.

H. B. No. 1119, to Committee on Educational Affairs.

House Bill No. 24 on Second Reading.

The President laid before the Senate as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 24, A bill to be entitled "An Act reciting the existing conditions of the farm, grazing and different lands of the State of Texas; determining the consequences of soil erosion and depletion of the fertility of the soil; reciting appropriate corrective methods; declaring the policy of the Legislature; defining certain words and phrases used in the Act; creating the State Soil Conservation Board; providing for the employment of an executive officer and other agents and employees as may be required; providing for a treasurer of said Board who shall be under bond; providing for the qualifications, duties, and compensation of such employees as are required by said

Board; fixing the location of the office of the State Soil Conservation Board; providing the powers and duties of the State Soil Conservation Board; providing an appropriation for the use of said State Soil Conservation Board; creating County Soil Conservation Districts; designating who shall serve as officers of the respective County Soil Conservation Districts; providing for a treasurer of each County Soil Conservation District and fixing the bond therefor; prescribing the powers and duties of the County Soil Conservation Districts and prescribing the procedure therefor; repealing H. B. No. Thirteen (13), Forty-second Legislature, Regular Session; repealing S. B. No. Two Hundred Twenty-seven (227), Forty-fourth Legislature, Regular Session, providing that if any portion of the Act be held unconstitutional the remaining portion shall not thereby be affected; providing, that in the event any provision of this Act be in conflict with the provision of any law already existing that this Act shall be controlling, and declaring an emergency."

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. Short Title. This Act may be known and cited as the State Soil Conservation Law.

Sec. 2. Legislative Determinations and Declaration of Policy. It is hereby declared, as a matter of Legislative determination:

A. The condition. That the farm and grazing lands of the State of Texas are among the basic assets of the State and that the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people; that improper land-use practices have caused and have contributed to, and are now causing and contributing to, a progressively more serious erosion of the farm and grazing lands of this State by wind and water; that the breaking of natural grass, plant, and forest cover has interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion;

that the topsoil is being blown and washed out of fields and pastures; that there has been an accelerated washing of sloping fields; that these processes of erosion by wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; that failure by any occupier of land to conserve the soil and control erosion upon such land causes a washing and blowing of soil and water from such lands onto other lands and makes the conservation of soil and control of erosion on such other lands difficult or impossible.

B. The Consequences. That the consequences of such soil erosion in the form of soil-blowing and soil-washing are the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes, and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields; loss of soil and water which causes destruction of food and cover for wild life; a blowing and washing of soil into streams which silts over spawning beds, and destroys water plants; diminishing the food supply of fish; a diminishing of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall run-off, causing severe and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms; the losses in navigation, hydro-electric power, municipal water supply, irrigation developments, farm and grazing.

C. The appropriate corrective methods. That to conserve soil resources and control and prevent soil

erosion, it is necessary that land-use practices contributing to soil wastage and soil erosion may be discouraged and discontinued, and appropriate soil conserving land-use practices be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check-dams, dikes, ponds, ditches, and the like, the utilization of strip cropping, lister furrowing, contour cultivating, and contour furrowing; land irrigation; seeding and planting of waste, sloping abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops; soil stabilization with trees, grasses, legumes, and other thick growing, soil holding crops; retardation of runoff by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded:

D. Declaration of policy. It is hereby declared to be the policy of the Legislature to provide for the conservation of soil and soil resources of this State, and for the control and prevention of soil erosion, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wild life, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this State, and thus to carry out the mandate expressed in Article XVI, Section 59a, of the Constitution of Texas.

It is further declared as a matter of legislative intent and determination of policy that the agencies created, powers conferred and the activities contemplated in this Act for the conservation of soil and water resources and for the reduction of public damage resulting from failure to conserve such natural resources, shall be supplementary and complementary to the work of various river and other authorities now established in this State and to other State officers, agencies, and districts engaged in closely related projects, and shall

not be duplicated thereof nor conflicting therewith.

Sec. 3. Definitions. Wherever used or referred to in this Act, unless a different meaning clearly appears in the context:

1. "Board" means the State Soil Conservation Board created under the terms of this act in Section IV with the powers and duties set forth herein.

2. "District" or "Districts" means the County Soil Conservation Districts created under the terms of this Act in Section V as governmental subdivisions of this State with powers, duties and restrictions, as set forth herein.

3. "District Committees" means the Committees created in Section IV Subsections A and B of this Act for the purpose of electing the six (6) members of the State Soil Conservation Board.

4. "Directors" means the members of the Board of Directors of the County Soil Conservation Districts.

5. "State" means the State of Texas.

6. "Agency of this State" includes the government of this State and any other subdivisions, agency, or instrumentality corporate or otherwise, of the government of this State.

7. "United States" or "Agencies of the United States" includes the United States of America, and any agency or instrumentality corporate or otherwise of the United States of America.

Sec. 4. State Soil Conservation Board. A. There is hereby established to serve as an agency of the State and to perform the functions conferred on it in this Act, the State Soil Conservation Board. The Board shall consist of six (6) members. The following shall serve, ex-officio, without vote, as members of the Board: The President of Agricultural and Mechanical College of Texas, the President of Texas Technological College, the Director of Vocational Agriculture of Texas, the State Commissioner of Agriculture, and the State Coordinator of Soil Conservation. The six (6) elected members of the Board shall be elected as follows: The State of Texas is hereby divided into six (6)

State Districts for the purpose of selecting six (6) members of the State Soil Conservation Board. These six (6) State Districts shall be composed as follows:

State District No. 1, comprising forty-four (44) counties; namely: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchison, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Farmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, and Stone-wall.

State District No. 2, comprising 42 counties; namely: Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, El Paso, Hudspeth, Culberson, Reeves, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, Jeff Davis, Pecos, Crockett, Schleicher, Menard, Presidio, Brewster, Terrell, Sutton, Kimble, Val Verde, Edwards, Kinney and Maverick.

State District No. 3, comprising forty-two (42) counties; namely: Kerr, Kendall, Comal, Guadalupe, Real, Bandera, Gonzales, Lavaca, Uvalde, Medina, Bexar, Wilson, De Witt, Jackson, Zavala, Frío, Atascosa, Karnes, Victoria, Goliad, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Calhoun, San Patricio, Aransas, Webb, Duval, Jim Wells, Nueces, Kleberg, Zapata, Jim Hogg, Brooks, Kenedy, Starr, Hidalgo, Willacy, and Cameron.

State District No. 4, comprising forty-two (42) counties; namely: Mills, Hamilton, Coryell, McLennan, Limestone, Freestone, Leon, Falls, McCulloch, San Saba, Lampasas, Bell, Robertson, Madison, Brazos, Grimes, Walker, Burleson, Milam, Williamson, Burnet, Llano, Mason, Montgomery, Lee, Travis, Blanco, Gillespie, Hays, Bastrop, Fayette, Washington, Austin, Waller, Colorado, Fort Bend, Wharton, Brazoria, Harris, Galveston, Caldwell, and Matagorda.

State District No. 5, comprising forty-two (42) counties; namely: Fannin, Lamar, Red River, Bowie,

Delta, Hunt, Hopkins, Franklin, Titus, Camp, Morris, Cass, Rains, Wood, Upshur, Marion, Harrison, Van Zandt, Gregg, Smith, Henderson, Rusk, Panola, Anderson, Cherokee, Shelby, Houston, Nacogdoches, San Augustine, Sabine, Angelina, Trinity, Polk, Tyler, Jasper, Newton, San Jacinto, Hardin, Orange, Liberty, Jefferson, and Chambers.

State District No. 6, comprising forty-two (42) counties; namely: Hardeman, Foard, Wilbarger, Wichita, Clay, Knox, Baylor, Archer, Montague, Cooke, Grayson, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, Jones, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Dallas, Rockwall, Kaufman, Taylor, Callahan, Eastland, Erath, Somervell, Hood, Johnson, Ellis, Runnels, Coleman, Brown, Comanche, Bosque, Hill, Navarro.

B. The Commissioners Court of each county within thirty (30) days after this Act becomes effective, shall call a meeting or convention in each precinct, of the resident landowning taxpayers who are qualified voters in such precinct, at a place and time for each precinct to be designated by the Commissioners Court, for the purpose of electing a member of the County Soil Conservation Committee. A majority vote of those present at such meeting, who are resident landowning taxpayers and qualified voters in the precinct, shall be necessary to elect such member of the County Soil Conservation Committee. Each member so elected shall be a resident landowner, legally qualified voter of the precinct from which he is elected, and shall be actively engaged in the business of farming or animal husbandry.

The Commissioner of each precinct shall act as Chairman of the meeting in such precinct. If said Commissioner is absent, those present who are resident landowning taxpayers and qualified voters of such precinct shall elect an acting Chairman from among their number who shall preside at said meeting.

The name of the member so elected shall be certified to the County Judge who shall, within five (5) days, officially notify the persons so elected that he has been elected as a member of such Committee.

The County Soil Conservation

Committee shall select one of its members as Chairman, who shall have authority to cast an additional vote in case of a tie and shall be charged with the usual and customary duties of a presiding officer. A majority of the members shall constitute a quorum and the concurrence of a majority of such quorum in any matter within their jurisdiction shall be required for final determination.

Vacancies upon the County Soil Conservation Committee shall be filled for an unexpired term or for a full term, by the same manner in which the retiring members were respectively selected.

Members of a County Soil Conservation Committee shall receive no compensation for their services except the delegate to the District Convention who shall receive the amount incurred as necessary expenses and Four Dollars (\$4) per day not to exceed two (2) days to be paid by the State Soil Conservation Board created herein.

The first County Soil Conservation Committee elected in each county shall be elected to serve as follows:

1. Precincts One (1) and Three (3) in each county shall elect a Committee member to serve for a period ending the first Tuesday in January, 1939, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in January new members shall be elected as hereinabove provided and shall serve for a term of two (2) years.

2. Precincts Two (2) and Four (4) in each county shall each elect a Committee member to serve for a period ending the first Tuesday in January, 1940, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in January new members shall be elected as hereinabove provided and shall serve for a term of two (2) years.

C. The County Soil Conservation Committee in each county shall elect one of its number as a delegate to attend the State District Conservation Convention which shall be held within each State District, at a time and place designated by the Governor of the State of Texas, said date to be not later than forty-five (45) days after the effective date of this Act,

and each State District Convention shall elect, by a majority vote a member of the State Soil Conservation Board. A majority of all county delegates elected to the State District Convention shall constitute a quorum.

State Districts One (1), Three (3) and Five (5) shall each elect a Board member to serve on the State Soil Conservation Board for a period ending the first Tuesday in February, 1939, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in February New Board Members shall be elected as hereinabove provided and shall serve for a term of two (2) years.

State Districts Two (2), Four (4) and Six (6) shall each elect a Board Member to serve on the State Soil Conservation Board for a period ending the first Tuesday in February, 1940, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in February, new members shall be elected to serve for a term of two (2) years or until their successors are elected and have qualified.

D. The State Soil Conservation Board shall meet to organize at a time and place to be designated by the Governor of Texas, within ten (10) days following the election of such members, and shall thereafter meet from time to time as necessary. Each member of the State Soil Conservation Board shall take the State Constitutional Oath of Office, and said State Soil Conservation Board shall designate one of its elective members to serve as Chairman and may from time to time change such designation.

Vacancies upon such Board shall be filled for an unexpired term or for a full term, by the same manner in which the retiring members were respectively elected. Elective members of the Board may receive compensation for their services on the Board, not to exceed the sum of Ten Dollars (\$10) per diem for each day of actual services rendered, but each member shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties as members of the Board.

E. A majority of the elective members of the State Soil Conserva-

tion Board shall constitute a quorum and the concurrence of a majority of the elective members in any matter within their duties shall be required for its determination. The State Board shall keep a complete and accurate record of all its official actions, hold such public hearings at such times and places within the State as may be determined by the Board, and shall promulgate such rules and regulations as may be necessary for the performance of the functions of said Board under the provisions of this Act. The Board shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property.

F. The State Soil Conservation Board may employ an administrative officer and such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation; said compensation, however, to be in line with that paid for similar services in other departments of the State. The Board may call upon the Attorney General of the State for such legal services as it may require or may employ its own counsel and legal staff. It shall have authority to delegate to its chairman, to one or more of its members, or to one or more agents or employees, such powers and duties as it may deem proper. It shall have authority to locate its office at a point to be selected by the Board. It shall have authority to acquire and pay for any space rental, personal property, and incidental service, or transportation, or means of communication reasonably required to forward the objects of this Act. Upon request of the Board, for the purpose of carrying out any of its functions, the supervising officer of any State agency, or of any State institution of learning, shall, in so far as may be possible, under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign, or detail to the Board members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys, or studies as the Board may request.

G. In addition to the duties and powers hereinafter conferred upon

the State Soil Conservation Board, it shall have the following duties and powers:

(1) To offer any such assistance as may be appropriate to the supervisors of Soil Conservation Districts, organized as provided hereinafter, in the carrying out of any of their powers and programs.

(2) To keep the directors of each of the several Districts organized under the provisions of this Act informed of the activities and experience of all other Districts organized hereunder, and to facilitate an interchange of advice and experience between such Districts and co-operation between them.

(3) To co-ordinate the programs of the several Soil Conservation Districts organized hereunder so far as this may be done by advice and consultation.

(4) To secure the co-operation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such Districts.

(5) To disseminate information throughout the State concerning the activities and programs of the Soil Conservation Districts organized hereunder, and to encourage the formation of such Districts in areas where their organization is desirable.

H. The State Treasurer's Official Bond shall be liable for all moneys and securities of the State Board, and he shall have the care and custody of all funds and securities of the State Board in the manner as is now provided by law. Any funds coming into the hands of the Treasurer of this State, as hereinafter provided, shall be by him credited to a special fund to be known as the State Soil Conservation Fund and the moneys hereafter deposited or credited in such Fund are hereby appropriated to the use and benefit of the State Soil Conservation Board, as may be by said Board used in compliance with this Act. The Board shall provide and furnish an annual audit by a Certified Public Accountant and a report to the Governor of the State.

Sec. 5. County Soil Conservation District.

A. The creation and incorporation of County Soil Conservation Dis-

tricts co-extensive with the boundaries of any county in this State is hereby authorized under and by virtue of Article XVI Section 59a of the Constitution. The area of any county may be formed into such a Conservation District when the qualified taxpaying voters of such county voting at an election to be held for such purpose by a majority vote sanction and authorize the creation and incorporation of such district. The creation and incorporation of such district. The creation of such districts is deemed essential to the accomplishment of the purposes of the above mentioned section of the Constitution and when any such district is created, as herein provided, the same shall be a governmental agency and body politic and corporate with the powers of government and with authority to exercise the rights, privileges and functions as are now conferred by this Article. Such a district shall bear the name of the county creating same and shall be so designated.

B. When petitioned by not less than fifty (50) duly qualified property taxpaying voters the Commissioners' Court of any county in this State shall call an election to be held throughout such county to determine whether a majority of the legally qualified property taxpaying voters of such county favor the creation and incorporation of the area of such county into a Soil Conservation District. The procedure for holding and declaring the result of such an election shall be in substantial compliance with the requirements for elections to vote bonds for public improvements. All persons who are legally qualified property taxpaying voters shall be entitled to vote at such election. Each voter favoring the creation and incorporation of such district shall have written or printed on his ballot, "For the creation and incorporation of the _____ County Soil Conservation District," and each voter who opposes the creation of such district shall have written or printed on his ballot, "Against the creation and incorporation of the _____ County Soil Conservation District."

C. When the returns of the election in Section B have been canvassed by the Commissioners' Court

the result of such election shall be declared by order entered on the minutes of said court, and if the result is in favor of the creation and incorporation of the District, the County Judge shall issue an order declaring such district to be created and incorporated and such order shall also be entered in the Minutes of the Commissioners' Court and a certified copy thereof recorded in the deed records of the county; thereupon the district shall be deemed to be legally created and incorporated with all rights, powers, authority and privileges herein conferred and authorized by Section 59 of Article XVI of the Constitution, for the purpose of conserving and reclaiming the soil in such district and for soil and conservation and flood control purposes in accordance with the provisions of this Act.

D. When a Soil Conservation District is created the County Soil Conservation Committee referred to in Section 4 of this Act shall thereupon become the governing body of such District and shall be known and designated as directors of said District. Said directors shall elect one of their own number as chairman, with authority to vote in case of a tie and charged with the usual and customary duties as a presiding officer. A majority of the directors shall constitute a quorum and the concurrence of a majority of the quorum present in any matter within their duties shall be required for final determination. Said directors may receive compensation for their services not to exceed Four (\$4) Dollars each day they shall be in actual attendance upon the duties of the office within the District and not to exceed twenty (20) days in any one calendar year, and not to exceed Four (\$4) Dollars and necessary expenses incurred for services other than within the District; said compensation for services outside the District to be approved by the State Board.

E. The County Treasurer shall serve as treasurer of the district and the County Clerk as clerk of the governing body. The treasurer shall have the care and custody of all funds, obligations and securities of the district and shall disburse and dispose of same in compliance with the orders of the governing body.

The clerk shall keep an accurate record of all orders, minutes and resolutions of the governing body and shall countersign all vouchers and documents and perform such other acts as may be directed by the governing body. The duties herein imposed upon the County Judge and Commissioners, the County Clerk and Treasurer shall be ex-officio duties under and by virtue of their tenure of office as county officials.

F. The governing body of the County Soil Conservation District may utilize the services of the County Agricultural Agent and the facilities of the County Extension Service Office in carrying out the powers, privileges and functions incident to the Soil Conservation program within the County Soil Conservation District.

Sec. 6. Powers of Districts and Directors.

A Soil Conservation District organized under the provisions of this Act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such District, and the directors thereof, shall have the following powers, in addition to others granted in other Sections of this Act:

(1) To carry out preventive and control measures within the District including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in Subsection C of Section 2 of this Act, on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the District upon obtaining the consent of the owner of such lands or the necessary rights or interests in such lands;

(2) To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any owner of lands within the District, in the carrying on of erosion control and prevention operations within the District, subject to such conditions as the directors may deem necessary to advance the purposes of this Act;

(3) To obtain options upon and to

acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this Act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this Act;

(4) To make available, on such terms as it shall prescribe, to landowners within the District, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and such other material or equipment, as will assist such landowners to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion;

(5) To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this Act;

(6) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the District, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish such plans and information and bring them to the attention of owners of lands within the District;

(7) To take over, by purchase, lease, or otherwise, and to administer, any soil-conservation, erosion-control, or erosion-prevention project located within its boundaries undertaken by the United States or any of its agencies, or by this State or any of its agencies; to manage as agent of the United States or any of its agencies, or of this State or any of its agencies, any soil-conservation, erosion-control, or erosion-prevention project within its boundaries; to act as agent for the United

States, or any of its agencies, or for this State or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil-conservation, erosion-control, or erosion-prevention project within its boundaries, to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this State or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations;

(8) To sue and be sued in the name of the District; to have a seal, which seal shall be judicially noticed to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this Act; to carry into effect its purposes and powers;

(9) To enter into contracts and agreements with the County Commissioners of any county for the use of road machinery or other county equipment that may be available for use in soil conservation work;

(10) As a condition to the extending of any benefits under this Act to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the directors may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require landowners to enter into and perform such agreements or covenants as to the permanent use of such land as will tend to prevent or control erosion thereon;

(11) No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a District organized hereunder unless the Legislature shall specifically so state.

Sec. 7. Adoption of Land-Use Regulations. The directors of any District shall have authority to formulate regulations governing the use of lands within the District in the interest of conserving soil and soil resources and preventing and controlling soil erosion. The directors may conduct such public meetings and

public hearings upon tentative regulations as may be necessary to assist them in this work. The directors shall not have authority to enact such land-use regulations into law after they shall have caused due notice to be given of their intention to conduct an election for submission of such regulations to the owners of lands lying within the boundaries of the District for their indication of approval or disapproval of such proposed regulations, and until after the directors have considered the result of such election. The proposed regulations shall be embodied in a proposed ordinance. Copies of such proposed ordinance shall be available for inspection during the period between publication of such notice and the date of the election. The notices of the election shall recite the contents of such proposed ordinance, or shall state where copies of such proposed ordinance may be examined. The question shall be submitted by ballots, upon which the words "For approval of proposed ordinance No. —, prescribing land-use regulations for conservation of soil and prevention of erosion" and "Against approval of proposed ordinance No. —, prescribing land-use regulations for conservation of soil and prevention of erosion" shall appear. The Directors shall supervise such election, shall prescribe appropriate regulations governing the conduct thereof, and shall publish the result thereof. All resident owners of lands within the District shall be eligible to vote in such election. Only such landowners shall be eligible to vote. No informalities in the conduct of such election or in any matters relating thereto shall invalidate said election or the result thereof if notice thereof shall have been given substantially as herein provided and said election shall have been fairly conducted.

The directors shall not have authority to enact such proposed ordinance into law unless at least two-thirds of the votes cast in such election shall have been cast for approval of the said proposed ordinance. The approval of the proposed ordinance by two-thirds of the votes cast in such election shall not be deemed to require the directors to enact such proposed ordinance into law. Land-use regulations prescribed in ordi-

nances adopted pursuant to the provisions of this Section by the directors of any District shall have the force and effect of law in the said District and shall be binding and obligatory upon all owners of lands within such District.

Any owner of land within such District may at any time file a petition with the directors asking that any or all of the land-use regulations prescribed in any ordinance adopted by the directors under the provisions of this Section shall be amended, supplemented, or repealed. Land-use regulations prescribed in any ordinance adopted pursuant to the provisions of this Section shall not be amended, supplemented, or repealed except in accordance with the procedure prescribed in this Section for adoption of land-use regulations. Elections on adoption, amendment, supplementation, or repeal of land-use regulations shall not be held more often than once in six (6) months.

The regulations to be adopted by the directors under the provisions of this Section may include:

1. Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, and other necessary structures;

2. Provisions requiring observance of particular methods of cultivation including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and reforestation;

3. Specifications of cropping programs and tillage practices to be observed;

4. Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on;

5. Provisions for such other means, measures, operations and programs as may assist conservation of soil resources and prevent or control soil erosion in the District, having due regard to the legislative findings set forth in Section 2 of this Act.

The regulations shall be uniform throughout the territory comprised

within the District, except that the directors may classify the lands within the District with reference to such factors as soil type, degree of slope, degree of erosion threatened or existing, cropping and tillage practices in use, and other relevant factors, and may provide regulations varying with the type or class of land affected, but uniform as to all lands within each class or type. Copies of land-use regulations adopted under the provisions of this Section shall be printed and made available to all owners and occupiers of lands lying within the District.

Sec. 8. Performance of work under the Regulations by the Directors. The directors shall have authority to go upon any lands within the District to determine whether land-use regulations adopted under the provisions of Section 7 of this Act are being observed.

Where the directors of any District shall find that any of the provisions of land-use regulations prescribed in an ordinance adopted in accordance with the provisions of Section 7 hereof are not being observed on particular lands, and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the District, the director may present to any court of competent jurisdiction a petition, duly verified, setting forth the adoption of the ordinance prescribing land-use regulations, the failure of the defendant landowner to observe such regulations, and to perform particular work, operations, or avoidances as required thereby, and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the District, and praying the court to require the defendant to perform the work, operations, or avoidances within a reasonable time and to order that if the defendant shall fail so to perform the directors may go on the land, perform the work or other operations or otherwise bring the conditions of such lands into conformity with the requirements of such regulations, and recover the costs and expenses thereof, with interest, from the owner of such land. Upon the pre-

sentation of such petition, the court shall cause process to be issued against the defendant, and shall hear the case. If it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may dismiss the petition; or it may require the defendant to perform the work, operations, or avoidances, and may provide that upon the failure of the defendant to initiate such performance within the time specified in the order of the court, and to prosecute the same to completion with reasonable diligence, the directors may enter upon the lands involved and perform the work or operations or otherwise bring the condition of such lands into conformity with the requirements of the regulations and recover the costs and expenses thereof, from the owner of such lands.

The court shall retain jurisdiction of the case until after the work has been completed. Upon the completion of such work pursuant to such order of the court the directors may file a petition with the court, a copy of which shall be served upon the defendant in the case, stating the costs and expenses sustained by them in the performance of the work and praying judgment therefor with interest. The court shall have jurisdiction to enter judgment for the amount of such costs and expenses, together with the costs of suit, including a reasonable attorney's fee to be fixed by the court. Such judgments shall be collected in the same manner as that provided for the collection of assessments in Wind Erosion Conservation Districts created by authority of H. B. No. 978, Acts of the Regular Session of the Forty-fourth Legislature of Texas.

Sec. 9. Cooperation Between Districts. Two or more Districts organized under this Act may cooperate with another or other Districts and with cities and incorporated towns and the State Soil Conservation Board in dealing with a common

problem arising under the provisions of this Act. Such programs and projects shall be handled by mutual agreements entered into by and between the State Soil Conservation Board and the County Soil Conservation District or Districts and any city or incorporated town that may be mutually interested in connection therewith.

Sec. 10. State Agencies to Cooperate. Agencies of this State which shall have jurisdiction over, or be charged with the administration of, any State-owned lands, and of any county, or other governmental subdivision of the State, which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any District organized hereunder shall cooperate to the fullest extent with the directors of such districts in the affectuation of programs and operations undertaken by the directors under the provisions of this Act. The directors of such districts shall be given free access to enter and perform work upon such publicly owned lands. The provisions of land-use regulations adopted pursuant to Section 7 of this Act shall have the force and effect of law over all such publicly owned lands and shall be in all respects observed by the agencies administering such lands.

Sec. 11. Discontinuance of Districts. At any time after five (5) years after the organization of a district under the provisions of this Act, when petitioned by not less than fifty (50) duly qualified landowning voters, the commissioners' court of any county in this State shall call an election to be held throughout such county to determine whether a majority of the legally qualified property taxpaying voters of such county favor a discontinuance of the area of such county as a Soil Conservation District. The procedure for holding and declaring the result of such an election shall be in substantial compliance with the requirements for elections to create such Districts. All persons who are legally qualified property taxpaying voters shall be entitled to vote at such election. Each voter favoring the discontinuance of such District

shall have written or printed on his ballot the words "For the discontinuance of the _____ County Soil Conservation District"; and each voter who opposes the discontinuance of such District shall have written or printed on his ballot the words "Against the discontinuance of the _____ County Soil Conservation District." When the returns of such an election have been canvassed by the commissioners' court, the result of such election shall be declared by order entered on the Minutes of said court, and if the result is in favor of the discontinuance of such District, the County Judge shall issue an order declaring such District to be discontinued, and such order shall also be entered in the Minutes of the commissioners' court and a certified copy thereof recorded in the Deed Records of the county, and thereupon the District shall be deemed to be legally discontinued.

Sec. 12. Appropriations. A. In order to provide a fund for the necessary expenses and operations of the State Soil Conservation Board, there is hereby appropriated the sum of \$10,000 available at once for the use of the Board throughout the remainder of the current biennium, ending September 1, 1937; and there is further hereby appropriated for the use of the State Soil Conservation Board for the biennium beginning September 1, 1937 and ending September 1, 1939, the sum of \$50,000 both of these amounts to be appropriated out of funds not heretofore appropriated from the General Fund of the State Treasury to be disbursed by order of the State Soil Conservation Board and the Treasurer of this State. Following September 1, 1939 the activities of the State Soil Conservation Board shall be financed from the tax monies diverted as hereinafter set forth and not from the General Fund.

B. That for a period of ten years beginning with the taxable year 1937, there is hereby diverted and granted by the State of Texas to each respective County Soil Conservation District created under the provisions of this Act, the funds derived from the legal assessment, levy and collection of the State ad valorem taxes for general revenue purposes only (this excludes the levy for school

purposes and Confederate pensions) upon the property and from the persons in each respective county not heretofore diverted or granted by the State of Texas to any county, city, district, or other political subdivision of this State, accruing from the application of Ten Cents of the constitutional ad valorem tax rate. The taxes hereby diverted shall be legally assessed, levied and collected as now provided by law except that the assessor and collector of taxes in each respective county shall forward his reports to the Comptroller of Public Accounts as now provided by law and shall pay over to the Treasurer of the County Soil Conservation District all monies collected by him at the end of each month and during the period covered by this diversion, except such amounts as are now allowed by law for assessing and collecting the same and shall forward a duplicate copy of the receipt given him by the County Treasurer for said money to the Comptroller of Public Accounts.

C. Funds arising from the diversion of the State ad valorem taxes as set forth in the next preceding paragraph shall be apportioned by the County Soil Conservation District Board as follows:

(1) Funds arising from property taxes lying outside of incorporated cities and towns and within the County Soil Conservation District shall be used for soil conservation purposes as herein provided upon lands lying outside of incorporated cities and towns and in furtherance of the purposes of this Act.

(2) Fifty (50%) per cent of the funds arising from property taxed lying within the territorial limits of incorporated cities and towns located within the County Soil Conservation District shall be used for municipal water supply, flood control works, drainage and other municipal purposes either within or without the territorial limits of such incorporated cities or towns as herein provided and in furtherance of the purposes of this Act.

(3) The remaining fifty (50%) per cent of the funds arising from the property taxed lying within the territorial limits of incorporated cities and towns located within the County Soil Conservation District,

shall be remitted to the State Treasurer and by him placed in a special fund for the use of the State Soil Conservation Board. Such funds shall be expended by the State Soil Conservation Board, or the following purposes, to-wit:

(a) To defray the administrative expense of the State Soil Conservation Board.

(b) For the equalization of funds among districts, including those counties wherein ad valorem taxes have heretofore been diverted, to the extent of reimbursing said counties so that the fund for the furtherance of the purposes of this Act will be equal to but not greater than otherwise would have been had there been no previous diversion of taxes therein. Provided, however, that no County Conservation District wherein improvements have heretofore been constructed, or are now under construction, or that may hereafter be construed within the territorial limits of such County Conservation District, out of funds heretofore diverted, shall be eligible to receive any funds whatsoever from this State Soil Conservation Board equalization fund.

(c) The remainder shall be used in furtherance of the purposes of this Act as hereinbefore provided.

(4) The expenditure and disbursement of such funds shall be in accordance with the rules and regulations promulgated and established by the County Soil Conservation District Board as well as in accordance with contracts or mutual agreements entered into by and between the County Soil Conservation District and municipalities within the County and another or other County Soil Conservation Districts and the State Soil Conservation Board, either or both or all of them acting in a cooperative program jointly in the furtherance of the purposes of this Act.

(5) No debt or obligations shall ever be created by any County Soil Conservation District organized under the provisions of this Act that cannot be reasonably amortized and retired within a period of ten years out of funds accruing and to accrue from the funds diverted and granted under the provisions of this Act.

D. Funds accrued, collected and

apportioned under the terms of this Act remaining unobligated upon an approved soil conservation project or program or unexpended in furtherance thereof for a current calendar year next preceding shall revert to the General Fund of the State Treasury on September 1st following. When such funds shall have reverted, same shall be forwarded by the Treasurer of the County Soil Conservation District to the State Treasurer and receive the receipt of the State Treasurer therefor.

Sec. 13. Separability Clause. If any provision of this Act, or the application of any provision to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 14. Inconsistency with other Acts. In so far as any of the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling, except where otherwise indicated in this Act. This Act shall not in anywise affect, impair, or impinge upon the rights, powers, and functions of Water Improvement Districts, Water Control and Improvement Districts, Irrigation Districts, Drainage Districts, Levee Districts, and any other form of Water Control or Irrigation Districts permitted under the laws of this State which have been created or may hereafter be created, but the same are expressly preserved in accordance with the terms of the Act or Acts under which such Districts were created and such Act or Acts are in no manner impinged upon, changed, modified, or repealed and shall stand unimpaired by any of the terms hereof.

Sec. 15. Repealing and Affirming Certain Acts. A. Senate Bill No. 227 passed by the Regular Session of the Forty-fourth Legislature, page 504, Regular Session, is hereby repealed.

B. This Act shall not in anywise repeal H. B. No. 13, Acts of the Forty-second Legislature, Regular Session, but the same is hereby expressly preserved in accordance with the terms thereof.

C. This Act shall not in anywise

affect, impair or impinge upon the provisions of H. B. No. 978, Acts of the Regular Session of the Forty-fourth Legislature under which Wind Erosion Soil Conservation Districts have been created or may hereafter be created, but the same is expressly preserved in accordance with the terms thereof. The State Soil Conservation Board shall have authority, working with the governing bodies of the Wind Erosion Conservation Districts, to put into operation in said Wind Erosion Conservation Districts such provisions of this Act as are not in conflict with the provisions of H. B. No. 978, Acts of the Regular Session of the Forty-fourth Legislature.

Sec. 16. Effective Date. The fact that the Federal Congress now is in session and in its deliberation will be considering appropriations of money to be used in Texas and other States for the conservation of soil and water, for the control of flood waters and the abatement of injuries caused thereby, and other measures intended to conserve the natural resources of the several states, coupled with the serious condition of erosion and the lack of effective means of conserving water in the State of Texas, creates an emergency and imperative public necessity that the Constitutional Rule requiring that bills should be read on three several days, in each House, be, and it is hereby suspended; and this Act shall take effect from and after its passage, and it is so enacted.

DAVIS,
VAN ZANDT.

Pending consideration of the amendment, Senator Rawlings occupied the Chair temporarily.

(President in the Chair.)

Question—Shall the amendment be adopted?

Recess.

On motion of Senator Weinert, the Senate, at 12 o'clock, meridiem, took recess to 2:30 o'clock p. m. today.

Afternoon Session.

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

Message From the House.

A Clerk for the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 119, Authorizing and requesting the Highway Department to lend certain road equipment to the Commissioners' Court of Red River County, Texas.

The House has passed finally by a vote of 110 yeas, 29 nays, notwithstanding the Governor's disapproval, the following bill:

H. B. No. 67, A bill to be entitled "An Act amending Section 1, Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended by Chapter 24 of the General Laws of the Second Called Session thereof, and Chapter 227, Acts of the Regular Session of the Forty-second Legislature, 1931, so as to hereinafter provide that motor carriers and motor vehicles subject to jurisdiction of the Railroad Commission shall be those operating for compensation and hire and providing that the term, 'compensation and hire' shall not include vehicles transporting goods owned by the owner of such vehicle."

The House has refused to concur in Senate Amendments to H. B. No. 1057 and requests the Senate for the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs: Smith of Hopkins, England, Callan, Hyder and Westbrook.

The House has adopted the conference Committee Report on House bill No. 650 by a vote of 105 yeas, 0 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Resolution No. 84.

Senator Roberts, by unanimous consent, offered the following resolution:

Whereas, H. J. R. No. 26 was

passed by the Senate today and has been returned to the House;

Therefore be it resolved by the Senate of Texas that the House of Representatives be requested to return H. J. R. No. 26 to the Senate for further consideration.

The resolution was read, and by unanimous consent of the Senate, it was adopted at this time.

Motion to Reconsider Vote on House Joint Resolution No. 26.

Senator Roberts moved to reconsider the vote by which H. J. R. No. 26 was passed today, and asked to have the motion to reconsider spread upon the Journal.

Senator Woodruff raised the point of order that the motion to reconsider is out of order at this time for the reason that the resolution is beyond the control of the Senate, having already been returned to the House with an affirmative favorable vote.

The President overruled the point of order.

House Bill No. 24 on Passage to Third Reading.

The Senate resumed consideration of pending business; same being H. B. No. 24, the soil conservation bill, on its passage to third reading, with amendment by Senator Davis pending.

Senator Moore offered the following amendment to the amendment:

Amend H. B. No. 24 by adding thereto a new Section appropriately numbered and reading as follows:

"The provisions of this Act shall not apply to counties of over 350,000 population according to the last preceding or any future Federal Census except as to the diversion of of taxes provided for in this Act; and the 10c State ad valorem tax diverted in this bill from counties of over 350,000 population shall be and are diverted to such respective counties for use in controlling floods in any such counties and shall be used by any such counties as may be provided under the terms of H. B. No. 1131, Acts of Regular Session, General Laws of the Forty-fifth Legislature, should such become a law or under any other Act applying to

such counties and providing for flood control should such H. B. No. 1131 not become a law."

Senator Head moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—20.

Aikin	Newton
Brownlee	Oneal
Collie	Small
Davis	Stone
Head	Sulak
Hill	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff

Nays—10.

Beck	Pace
Burns	Rawlings
Cotten	Redditt
Holbrook	Roberts
Moore	Spears

Absent.

Shivers

Senator Sulak offered the following amendment to the amendment:

Amend Davis substitute for H. B. No. 24 by adding on page 4, line 8, of Section 4, after the words "Commissioner of Agriculture" the words "the State Reclamation Engineer."

The amendment to the amendment was adopted.

Senator Redditt offered the following amendment to the amendment:

Amend H. B. No. 24 by adding after the word "Texas" in line 5 on page 4, the following: "the State Forester."

(Senator Moore in the Chair.)

The amendment to the amendment was adopted.

Senator Redditt offered the following amendment to the amendment:

Amend amendment to H. B. No. 24 by striking out all of Subsection A of Section 12.

The amendment to the amendment was adopted.

Senator Redditt offered the following amendment to the amendment:

Amend amendment to H. B. No. 24 by adding a new Section to be known as Section 15a to read as follows:

"Sec. 15a. The Legislature shall at no time make any appropriation out of the General Revenue Fund or out of any other funds for the support and maintenance of the work authorized herein."

The amendment to the amendment was adopted.

Senator Redditt offered the following amendment to the amendment:

Amend amendment to H. B. No. 24 by adding a new Section to read as follows:

"The provisions of this Act shall not affect nor be binding upon the counties comprising the Sabine-Neches Conservation District unless and until the Board of Directors of said District shall agree in writing with the State Soil Conservation Board. It is expressly provided that the State Soil Conservation Board created herein and the Sabine-Neches Conservation District shall have the authority to enter into such contracts that they may deem necessary and proper not inconsistent with this Act nor the Act creating the Sabine-Neches Conservation District in order to carry out the purposes of the above Act."

The amendment to the amendment was adopted.

Senator Redditt offered the following amendment to the amendment:

Amend the amendment to H. B. No. 24, Section 13, page 16, by striking out lines 58 and 60 as follows: "At the end of ten (10) years, any unused portion of said funds shall be set over and paid into the General Revenue Fund. The period of such diversion shall be ten (10) years," and substituting in lieu thereof the following:

"The period of diversion herein shall be three (3) years from date hereof but same may be extended for an additional period of seven (7) years, making a total of ten (10) years from the effective date of this Act. At the end of said ten (10)

years, any unused portion of said funds shall be set over and paid into the General Revenue Fund of this State."

(President in the Chair.)

(Senator Rawlings in the Chair temporarily.)

(President in the Chair.)

Question—Shall the amendment to the amendment be adopted?

Message From the House.

A clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request contained in Senate Simple Resolution No. 86, and returns herewith for the further consideration of the Senate:

H. J. R. No. 26, Proposing an amendment to Article III, of the Constitution of the State of Texas by adoption a new section to be known as Section 51-c which shall provide that the Legislature shall have the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient for assistance to the blind and for aid to dependent children and for the payment of same not to exceed Fifteen Dollars per month each to actual bona fide citizens of Texas and providing that the requirements for the length of time of actual residence in Texas shall never be less than five years during the nine years immediately preceding the application for such assistance to the blind and continuously for one year immediately preceding such application and providing that the Legislature may impose such requirements as may be found expedient in cases of aid to dependent children; and providing that the Legislature may impose requirements as may be found expedient in cases of aid to dependent children; and providing that the Legislature shall have the authority to accept from the Government of the United States financial aid for assistance to the blind and aid to dependent children;

providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof and prescribing the form of ballot.

The House has passed the following bill and resolutions:

H. B. No. 1165, A bill to be entitled "An Act amending Subsection 1 of subdivision 'E' of Section 26 of H. B. No. 67, Acts of the Regular Session of the Forty-fifth Legislature; and declaring an emergency."

H. C. R. No. 117, Granting permission to H. J. Birdsong, to bring suit against the State of Texas and the Highway Department of the State of Texas.

H. C. R. No. 120, Requesting that the Board of Control be asked and instructed to use the vacant space in the Confederate Home for State Office Buildings.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 1165 on First Reading.

H. B. No. 1165, received from the House today, was laid before the Senate, read first time and referred to the Committee on State Highways and Motor Traffic.

House Concurrent Resolutions Referred.

The following resolutions were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 119, to Committee on State Highways and Motor Traffic.

H. C. R. No. 117, to Committee on State Affairs.

H. C. R. No. 120, to Committee on State Affairs.

Senate Bill No. 510 on First Reading.

The following (local) bill was introduced, read first time, and referred to the Committee on Educational Affairs:

By Senator Nelson:

S. B. No. 510, A bill to be entitled "An Act validating the transfer of

territory proceedings detaching territory from the Center Plains Common School District No. 4 and the Science Hill Common School District No. 8, both of Hale County, Texas, and attaching same to the Cotton Center Independent School District of Hale County, Texas, including petitions, hearings, orders, notices, elections, orders declaring results of elections, assumption of indebtedness, and ratifying changes made by the County Board of School Trustees of Hale County, Texas, in the Cotton Center Independent School District of Hale County, Texas; redefining boundaries of said Cotton Center Independent School District of Hale County, Texas; providing that the trustees of said Cotton Center Independent School District shall proceed to levy and collect sufficient taxes for maintenance purposes and to provide a sinking fund for paying the interest on the outstanding indebtedness of the new Cotton Center Independent School District of Hale County, Texas, and declaring an emergency."

Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 51, "An Act to amend Article 2943, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

H. B. No. 970, "An Act amending Chapter 55, page 110, General Laws, Regular Session, Forty-third Legislature, 1933, being an Act creating the office of county purchasing agent in all counties in this State having a population of more than one hundred thousand (100,000) inhabitants and less than one hundred and fifty thousand (150,000) inhabitants, as shown by the latest United States Census, and containing two (2) cities of fifty thousand (50,000) inhabitants or more, each, as shown by the latest United States Census; etc., and declaring an emergency."

H. B. No. 984, "An Act providing for a closed season for the killing, taking or possessing of squirrel in the County of Wharton, Texas, during the months of January, February and March of each year; providing a penalty for the violation of the pro-

visions of this Act; repealing any provisions of law in conflict herewith, and declaring an emergency."

H. B. No. 1035, "An Act providing that it shall be unlawful to kill quail in Wood County, Texas, except on certain days; providing the number of quail that may be killed in one day; providing penalty for violation of this Act; etc., and declaring an emergency."

H. B. No. 1076, "An Act making an emergency appropriation to the State Board of Pardons and Paroles for the purpose of paying the necessary expenses and operation of said board from February 1, 1937, to August 31, 1937, defining said duties of said board and employees, locating said board members, and declaring an emergency."

Senate Joint Resolution No. 4 on Final Passage.

Senator Oneal called up S. J. R. No. 4 from the President's table, on its final passage, (the resolution having been read third time and tabled subject to call today.)

Senator Oneal offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 4, as amended, by striking out of Section 2 all of lines 3 to 10, inclusive, of the printed resolution and inserting in lieu thereof the following:

"For the Amendment to the Constitution of the State of Texas giving the Legislature power to provide for appeals direct to the Supreme Court from orders of trial courts granting or denying injunctions on the ground of the constitutionality or unconstitutionality of any Statute of this State; and the power to provide for original jurisdiction in the Supreme Court, when it deems a matter of sufficient importance, on application of the Attorney General to prohibit Judges of the District Courts of this State from issuing interlocutory injunctions or restraining orders restraining the enforcement of any revenue or criminal law on the ground that such a law is unconstitutional, where there is no issue of fact involved," and

"Against the Amendment to the Constitution of the State of Texas giving the Legislature power to pro-

vide for appeals direct to the Supreme Court from orders of trial courts granting or denying injunctions on the ground of the constitutionality or unconstitutionality of any Statute of the State; and the power to provide for original jurisdiction in the Supreme Court when it deems a matter of sufficient importance, on application of the Attorney General, to prohibit Judges of the District Courts of this State from issuing interlocutory injunctions or restraining orders restraining the enforcement of revenue or criminal law on the ground that such a law is unconstitutional, where there is no issue of fact involved."

The amendment was adopted.

The resolution then was passed by the following vote:

Yeas—24.

Aikin	Rawlings
Beck	Redditt
Brownlee	Roberts
Collie	Small
Davis	Spears
Isbell	Stone
Lemens	Sulak
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff

Nays—3.

Burns	Holbrook
Hill	

Present—Not Voting.

Cotten	Moore
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Absent.

Head	Shivers
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House Bill No. 875 on Second Reading.

Senator Weinert, by unanimous consent, moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 875 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—26.

Aikin	Brownlee
Beck	Burns

Collie	Oneal
Cotten	Pace
Davis	Rawlings
Head	Redditt
Hill	Small
Holbrook	Spears
Isbell	Stone
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—2.

Roberts	Sulak
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Present—Not Voting.

Van Zandt

Absent.

Lemens	Shivers
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The President then laid the bill before the Senate.

On motion of Senator Weinert and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 875 on Third Reading.

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 875 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Cotten	Redditt
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Nays—4.

Collie	Roberts
Isbell	Van Zandt

Absent.

Shivers

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23.

Aikin	Newton
Beck	Oneal
Brownlee	Rawlings
Burns	Redditt
Cotten	Small
Davis	Spears
Head	Sulak
Hill	Weinert
Holbrook	Westerfeld
Lemens	Winfield
Moore	Woodruff
Nelson	

Nays—5.

Collie	Roberts
Isbell	Van Zandt
Pace	

Absent.

Neal	Stone
Shivers	

House Bill No. 759 on Second Reading.

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 759, A bill to be entitled "An Act defining a wholesale fur buyer, a retail fur buyer and a trapper; providing licenses for those engaged in such business and defining the privileges granted under such licenses; providing for the disposition of funds collected from the sale of such licenses; repealing all laws in conflict with this Act, and specifically that portion of the law of this State requiring a tax receipt tag to be attached to the pelts of fur-bearing animals; providing a suitable penalty for violation of any provision of this Act, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 759 on Third Reading.

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 759 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	

Nays—2.

Aikin	Woodruff
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Absent.

Shivers	Sulak
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—19.

Brownlee	Redditt
Burns	Roberts
Collie	Small
Davis	Spears
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Nelson	Winfield
Pace	

Nays—9.

Aikin	Newton
Beck	Oneal
Cotten	Rawlings
Hill	Woodruff
Neal	

Present—Not Voting.

Stone

Absent.

Head

Shivers

House Bill No. 277 on Second Reading.

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 277, A bill to be entitled "An Act providing relief for the Old Glory Rural High Common School District No. 4 of Stonewall County, Texas, in replacing buildings and equipment destroyed by a disastrous fire on December 13, 1936; making an appropriation for said district to replace said buildings and equipment, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 277 on Third Reading.

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 277 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Newton
Beck	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

Nays—3.

Roberts	Van Zandt
Sulak	

Absent.

Brownlee	Shivers
Burns	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23.

Aikin	Oneal
Beck	Rawlings
Burns	Redditt
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—4.

Isbell	Roberts
Pace	Van Zandt

Absent.

Brownlee	Head
Collie	Shivers

Senate Bill No. 395 on Second Reading.

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

S. B. No. 395, A bill to be entitled "An Act repealing Article 618 and Article 619 of Chapter three (3) of Title eight (8) of the Code of Criminal Procedure of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature, 1925."

The President laid the bill before the Senate and it was read second time.

Senator Spears offered the following amendments to the bill:

(1)

Amend S. B. No. 395, page 1, by striking out all beginning with line 19 and ending on line 22.

(2)

Amend S. B. No. 395 by striking out all beginning on line 23 and ending on line 26.

(3)

Amend S. B. No. 395 by adding on line 17 after the word "felony" the following:

"Be and the same is hereby repealed."

(4)

Amend S. B. No. 395, page 1, line 14, by adding a period after the word "asked" and making the word "in" following immediately thereafter begin with a capital letter.

(5)

Amend S. B. No. 395, page 1, by adding on line 27 before the word "Article" the following:

"The fact that."

The amendments were adopted severally.

Senator Spears offered the following amendment to the bill:

Amend the caption to conform to the body of the bill as amended.

The amendment was adopted.

S. B. No. 395 then was passed to engrossment.

Senate Bill No. 395 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 395 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	

Nays—1.

Woodruff

Absent.

Shivers

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin	Newton
Beck	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield

Nays—1.

Woodruff

Absent.

Brownlee
HeadShivers
Weinert

Free Conference Committee on House Bill No. 1057.

Senator Aikin moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 1057 be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following Free Conference Committee on the bill on the part of the Senate:

Senators Aikin, Beck, Isbell, Hill and Redditt.

House Bill on First Reading.

The following bill, received from the House today, was laid before the Senate, read first time and referred to the committee indicated:

H. B. No. 1160, to Committee on Towns and City Corporations.

Recess.

On motion of Senator Rawlings, the Senate at 5:50 o'clock p. m. took recess to 10:00 o'clock a. m. tomorrow.

APPENDIX.

Bills Filed in Department of State.

Austin, Texas, May 5, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a bill passed by the Forty-fifth Legislature which was filed in this office Tuesday, May 4, 1937:

H. B. No. 1023:
Vote in Senate, yeas 31, nays 0.
Vote in House, yeas 108, nays 1.
Date signed by the Governor,
May 4, 1937.

Assuring you of my sincere pleasure in performing this service, I am
Yours very truly,

EDWARD CLARK,
Secretary of State.

By: M. E. SANDLIN,
Assistant Secretary of State.

Reports of Standing Committees.

Committee Room,
Austin, Texas, May 5, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred

H. B. No. 181, A bill to be entitled
"An Act providing for the admissibility in evidence of certified copies of certain instruments required by Statute or by Rules of the Railroad Commission of Texas to be filed with the Railroad Commission of Texas; providing that same shall be prima facie evidence of the facts contained therein; authorizing certificates to such copies to be made by certain officials therein specified, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, May 5, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 668, A bill to be entitled
"An Act appropriating the fund provided for the use and benefit of the Comptroller in the administration and enforcement of the provisions of the Act as provided for in Section 9 of H. B. No. 89, Chapter 353, Acts of the Regular Session of the Forty-fourth Legislature, for the use and benefit of the Comptroller in the administration of said Act from and after May 30, 1937, for the remainder of the fiscal year ending August 31, 1937, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 5, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 547, A bill to be entitled
"An Act to declare a State policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton, and cotton products, and the increased use and consumption of same; directing that the heads of the State's various agricultural agencies shall take due notice of said policy; providing for the establishment of a cotton research laboratory and making an appropriation therefor, stating a contingency upon which said appropriation is made; providing for construction to be under the Board of Control in cooperation with the Secretary of Agriculture; providing for the location of said laboratory; providing rules and regulations shall allow for the cooperation between cotton-producing states, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 4, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1136, A bill to be entitled
"An Act providing that Limestone County, Texas, may fund or refund the indebtedness outstanding against its Permanent Improvement Fund as of May 1, 1937; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the commissioners' court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness."

edness; and providing that this Law shall be cumulative of General Law pertaining to funding and refunding bonds not in conflict herewith; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1017, A bill to be entitled "An Act making it unlawful for butane, or liquified petroleum gas, or artificial or natural gas to be handled, stored, sold, or distributed in this State by any person, firm, corporation, or other concern, without first being malodorized or odorized, so that it will be perceptible and recognizable by the sense of smell; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 875, A bill to be entitled "An Act providing relief for the Leesville Common School District No. 27 and the DeWitt Common School District No. 47 in Gonzales County in replacing and repairing damage to buildings and equipment caused by a calamitous flood resulting from a cloudburst on July 1, 1936; making an appropriation for said districts to replace and repair such damage; providing certain equipment that may not be purchased; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 483, A bill to be entitled "An Act to amend Section 7, of Chapter 62, pages 131-133 of the General and Special Laws of the State of Texas passed by the Forty-third Legislature at its Second Called Session, 1934, of the State of Texas; to further define a nuisance and provide for the punishment of certain persons and peace officers and organizations who knowingly permit and accept receipts from any contest enumerated and referred to in said Chapter 62, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Committee Room,
Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 508, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by water control and improvement districts, or water improvement districts, which are located in certain counties of this State for Public Works projects, ratifying and validating the establishment and creation of such districts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute for same do pass and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 507, A bill to be entitled "An Act validating all ordinances

of cities operating under the Home Rule Amendment to the Constitution of this State, which have heretofore been published in accordance with the provisions of the charters of such Home Rule Cities; providing for the publication of ordinances of such Home Rule Cities; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 489, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts, 1935, 44th Legislature, page 21, Chapter 6, Section 1, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1 and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 1119, A bill to be entitled "An Act to validate the organization and creation of all county line independent school districts heretofore formed under certain conditions by the consolidation of an existing county line independent district with a contiguous common school district; validating all acts of the Board of Trustees of such existing county line independent school districts in ordering and declaring the results of an election or elections held in such county line independent school districts on the question of such consolidation; validating all proceedings and acts of the Board of Trustees of such districts; validating all tax levies made in behalf of said dis-

tricts, authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of tax as is now being levied, assessed, and collected therein, and heretofore authorized or attempted to be authorized by any act or acts of said districts; providing for certain exemptions; containing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 509, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such territory; providing for the recording of such petitions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HEAD, Chairman.

Committee Room,

Austin, Texas, May 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 1026, A bill to be entitled "An Act amending Chapter 4, Acts of the Regular Session of the Forty-fourth Legislature, 1935, same being House Bill No. 226 of said Regular Session, authorizing the Criminal District Attorney of the One Hundred and Twenty-fourth Judicial District of Texas to appoint two (2) assistants; providing for the appointment, if necessary, of a criminal investigator and stenographer; fixing the compensation of all such persons and providing for the payment of such compensation out of the General Fund of the county; prescribing

the duties of said assistants; providing that said assistants shall take the Constitutional Oath of office and represent the State in all courts of the county in which said Criminal District Attorney is authorized to represent the State under the direction of said Criminal District Attorney, and to be subject to removal at the will of said Criminal District Attorney; and providing that said assistants shall be authorized to administer oaths, file complaints, and generally perform any duty devolving upon said Criminal District Attorney; and providing further that said Criminal District Attorney shall be paid the same fees for services rendered by his assistants as if he had rendered the services himself; providing further that this Act shall in no wise affect, alter, amend, or repeal the provisions of House Bill No. 157 of the Regular Session of the Forty-fifth Legislature, 1937, but that the provisions of said House Bill No. 157 shall remain in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Committee Room,

Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 300, A bill to be entitled "An Act to amend Chapter 74 of the General Laws enacted by the Second Called Session of the 41st Legislature authorizing the commissioners' court of the several counties in Texas to issue refunding bonds for the purpose of refunding road bonds that have been or may hereafter be issued and authorizing the said commissioners' courts to issue refunding bonds for the purpose of refunding any outstanding matured interest on any such road bonds, that are issued by authority of statutes enacted pursuant to section 52 of Article 3 of the Constitution of Texas, for and on behalf of political subdivisions, defined districts and consolidated districts in such counties, and au-

thorizing the commissioners' court to pass all appropriate orders to carry out such refunding without the necessity of any notice or right to a referendum vote; and to levy ad valorem taxes in payment thereof and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 234, 233, 502, 491, 232, and 361 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

SEVENTY-FIRST DAY— CONTINUED.

(Thursday, May 6, 1937)

The Senate met at 10 o'clock a. m. and was called to order by President Woodul.

Reports of Standing Committees.

(By Unanimous Consent.)

Reports on House Bills Nos. 561, 1049, 1100 and on H. C. R. No. 119, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

House Bill No. 24 on Passage to Third Reading.

The Senate resumed consideration of pending business, same being H. B. No. 24 (the soil conservation bill) on its passage to third reading; with amendment by Senator Davis striking out all after the enacting clause and inserting the text of a complete bill and the following amendment by Senator Redditt to the amendment pending:

Amend the amendment to H. B. No. 24, Section 13, page 16, by striking out lines 58 and 60 as follows: "At the end of ten (10) years, any unused portion of said funds shall